IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1954 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SANGITA PANDURANG SONWANE - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR PS CHAMPANERI for Applicant(s) : 1,
Mr. RC Khodekar, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE NOT RECD BACK for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 21/06/2007
ORAL JUDGMENT

It is the contention on behalf of the petitioner that the property can be sealed under Section 18(1) of The Immoral Traffic (Prevention) Act maximum for a period of three years and the order

passed by the concerned Magistrate under Section 18(1) of the Act shall cease to have validity after a period of 3 years. It is required to be noted that, while submitting the appropriate application such a contention was not raised by the petitioner and hence the concerned Magistrate had no occasion to consider such contention. Under the circumstances, Shri PS Champaneri, learned advocate appearing on behalf of the petitioner has submitted that liberty may be reserved in favour of the petitioner to move an appropriate application to raise such a contention before the concerned Magistrate who has passed the order under Section 18(1) of the Act. Petitioner will be at liberty to move such application before the concerned Magistrate within the period of two weeks from today. On submission of such application, the concerned Magistrate is directed to consider the same in accordance with law and on merits. However, it is made clear that this Court has not expressed any opinion in favour of either parties. Such a decision shall be taken by the concerned Magistrate as early as possible. With

these the present application is disposed of. Rule is discharged. Direct service is permitted.

Rmr. [M.R. Shah, J.]